

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

02- *R*-1439

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$3,660.00 IN SETTLEMENT OF THE CLAIM
OF BERNICE JOHNSON AGAINST THE CITY OF ATLANTA**

WHEREAS, Bernice Johnson has filed a claim against the City of Atlanta seeking damages arising out of personal injuries sustained when she fell on a raised surface in the roadway; and

WHEREAS, the City of Atlanta had repaired an area of asphalt located around a catch basin, but had left the surface uneven with the original asphalt causing a hump; and

WHEREAS, the claimant was walking across the street when she fell and injured her shoulder; and

WHEREAS, the construction and maintenance of public roads is a ministerial function and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of \$3,660.00 and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Bernice Johnson be settled for the sum of \$3,660.00.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$3,660.00 be paid by the City of Atlanta in satisfaction of any and all claims Bernice Johnson may have stemming from damages sustained to her on or about May 19, 2002 at Lawshe Street and Parsons Street.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

SEP 03, 2002
SEP 11, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0467

Date: July 25 , 2002

Claimant /Victim BERNICE JOHNSON

BY: (Atty)(Ins. Co.)

Address: 2410 Benjamin E. Mays Drive, #12, Atlanta, Georgia 30311

Subrogation: Claim for Property damage \$ Bodily Injury \$ **3,660.00**

Date of Notice: 07/01/02 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 05/19/02 Place: 1355 Ralph D. Abernathy Boulevard, SW

Department Public Works Division: Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant was injured when she fell on a raised area around a catch basin that had not been properly repaired.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures X Diagrams Reports: Police Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X

Improper Notice More than Six Months Other Damages reasonable X

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 3,660.00 Adverse Account charged: 1A01 X 2J01 2H01 2P01

Claims Manager:  Concur/date 07-29-02

Committee Action: Council Action

RCS# 3953
9/03/02
1:47 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; Except 02-R-1137; 02-R-1458

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
B Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

ITEMS ADOPTED ON CONSENT AGENDA		09/03/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA		ITEMS ADVERSE ON CONSENT AGENDA
1. 02-O-1455	43. 02-R-1492	59. 02-R-1418
2. 02-O-1456	44. 02-R-1347	60. 02-R-1419
3. 02-O-1457	45. 02-R-1461	61. 02-R-1420
4. 02-O-1460	46. 02-R-1462	62. 02-R-1421
5. 02-O-1454	47. 02-R-1471	63. 02-R-1422
6. 02-O-1336	48. 02-R-1484	64. 02-R-1423
7. 02-O-1337	49. 02-R-1486	65. 02-R-1424
8. 02-O-1339	50. 02-R-1363	66. 02-R-1425
9. 02-O-1340	51. 02-R-1364	67. 02-R-1426
10. 02-O-1341	52. 02-R-1365	68. 02-R-1427
11. 02-O-1342	53. 02-R-1412	69. 02-R-1428
12. 02-O-1343	54. 02-R-1413	70. 02-R-1429
13. 02-O-1226	55. 02-R-1414	71. 02-R-1430
14. 02-O-1446	56. 02-R-1415	72. 02-R-1431
15. 02-O-1465	57. 02-R-1416	73. 02-R-1432
16. 02-R-1370	58. 02-R-1417	74. 02-R-1433
17. 02-R-1371		75. 02-R-1434
18. 02-R-1372		76. 02-R-1435
19. 02-R-1373		77. 02-R-1436
20. 02-R-1374		78. 02-R-1437
21. 02-R-1375		79. 02-R-1438
22. 02-R-1376		
23. 02-R-1378		
24. 02-R-1379		
25. 02-R-1380		
26. 02-R-1392		
27. 02-R-1468		
28. 02-R-1480		
29. 02-R-1481		
30. 02-R-1482		
31. 02-R-1483		
32. 02-R-1385		
33. 02-R-1479		
34. 02-R-1369		
35. 02-R-1439		
36. 02-R-1440		
37. 02-R-1495		
38. 02-R-1500		
39. 02-R-1501		
40. 02-R-1386		
41. 02-R-1388		
42. 02-R-1491		

1st Consent I Vote: 14Yeas; 0 Nays (See RCS #3953)
Items Removed from Consent: 02-R-1137; 02-R-1458

02-2-1439

(Do Not Write Above This Line)

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BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING
PAYMENT IN THE AMOUNT OF \$3,660.00
IN SETTLEMENT OF THE CLAIM OF
BERNICE JOHNSON AGAINST THE CITY
OF ATLANTA

APPROVED BY:

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
INTERIM CITY ATTORNEY ADOPTED BY

SEP 03 2002

- COUNCIL
- ☐ CONSENT REFER
 - ☐ REGULAR REPORT REFER
 - ☐ ADVERTISE & REFER
 - ☐ 1st ADOPT 2nd READ & REFER
 - ☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee <i>BLA</i>	Committee
Date <i>8-27-02</i>	Date
Chair <i>[Signature]</i>	Chair
Action: <i>[Signature]</i>	Action: Fav, Adv, Hold (see rev. side) Other:
Members <i>[Signature]</i> <i>[Signature]</i> <i>[Signature]</i>	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action:	Action: Fav, Adv, Hold (see rev. side) Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
SEP 03 2002
[Signature]
MAYOR

CERTIFIED
SEP 03 2002
Ruth Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

[Signature]
SEP 11 2002
MAYOR